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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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**CRM-M No.42684 of 2025
Date of decision: 21.08.2025**

Sahil Kumar @ Jyoti ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Lakshay Bector, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition as filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of anticipatory bail in case arising out of FIR No.180 dated 10.11.2024 registered under Section 61(1) of the Punjab Excise Act, 1914 at Police Station Tibba, District Police Commissionerate Ludhiana. The previous petition bearing CRM-M No.11705 of 2025 had been dismissed as withdrawn vide order dated 03.03.2025.

2. The aforementioned FIR had been registered on the allegations that on 09.11.2024, on receipt of a secret information to the effect that the

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petitioner along with the co-accused Gautam was involved in the business of selling countrymade and English liquor by bringing liquor on cheaper rates from districts adjoining to Ludhiana city and Chandigarh and used to sell it at higher rates and on that particular day also, they were going to deliver liquor to their customers, a raiding party was formed. Tahrir was sent for registration of FIR. The raiding party reached at the informed place where the petitioner and the co-accused were seen placing a plastic bag on the foothold of one Activa vehicle. On seeing the police party, they tried to flee by leaving the plastic bag. One of them was apprehended and disclosed his name as Gautam whereas the present petitioner had managed to escape. On checking the plastic bag, 21 bottles of English Whisky labeled as Wazir Deluxe Whisky of 700 ML/750 ML were found kept therein. These bottles were marked as “For sale in UT only”. The accused Gautam could not produce any document qua ownership of Activa vehicle. On interrogation, he suffered a disclosure statement admitting his involvement as well as of the present petitioner in the illicit trade. On the disclosure statement of accused Gautam, the police party raided at the house of the petitioner and got recovered 05 cardboard boxes containing 12 bottles each of English liquor brand Royal Stag from the house of the petitioner. The same were taken into custody. The investigation is still underway. Apprehending his arrest, the petitioner moved application for grant of pre arrest bail which has been

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dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 21.11.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No recovery is to be effected from him as recovery already stands effected. His custodial interrogation is not required. The subject offence is triable by Magistrate. He is ready to join the investigation. It is, therefore, argued that the petition deserves to be allowed.

4. Status report has been filed. Learned Assistant Advocate General, Punjab has argued that for conducting thorough investigation in the matter and for ascertaining the source of liquor which was found kept in the house of the petitioner, his custodial interrogation is must. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to be found involved in the business of selling liquor in an illegal manner. Recovery of liquor was effected from his house on the basis of disclosure statement of the co-accused and recovery of 21 bottles of liquor was also effected from the spot where he was found present with the co-accused and had managed to flee. The recovery already stands effected. Given the nature of the allegations as levelled against the petitioner, this Court is of the opinion that his pre trial incarceration is not required. It is well settled that pre trial

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incarceration should not be a replica of post conviction sentencing. With these observations, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrendering before the Investigating Officer/Arresting Officer within a period of ten days from the date of passing of this order and joining investigation and as and when subsequently required thereafter and on his surrender within that period, he shall be released on bail by the Investigating Officer/Arresting Officer on furnishing personal/surety bonds to its satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

21.08.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No